

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAURICE W. HOOKER,
Petitioner,

v.

M. SPEARMAN, Acting Warden,
Respondent.

Case No. [14-cv-03598-DMR](#) (PR)

**ORDER DISMISSING PETITION AS
SUCCESSIVE**

Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Dkt. 1. He has paid the full \$5.00 filing fee.

This action has been assigned to the undersigned magistrate judge.

Pursuant to 28 U.S.C. § 636(c), with written consent of all parties, a magistrate judge may conduct all proceedings in a case, including entry of judgment. Appeal will be directly to the United States Court of Appeals for the Ninth Circuit. *See* 28 U.S.C. § 636(c)(3).

On August 13, 2014, Petitioner consented to magistrate judge jurisdiction in this matter. Dkt. 5.

Petitioner has filed a previous petition for a writ of habeas corpus with this Court, challenging the same conviction and sentence. *See* Case No. C 11-1652 SBA (PR). On July 16, 2014, the Court denied the first petition on the merits. *See* Dkt. 13 in Case No. C 11-1652 SBA (PR).

A second or successive petition containing new claims may not be filed in the district court unless Petitioner first obtains from the United States Court of Appeals an order authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Here, the instant petition challenges the same conviction and sentence as the previous petition decided by this Court. The instant petition raises new claims, but Petitioner has not presented an order from the Ninth Circuit

1 Court of Appeals authorizing the Court to consider these claims. Therefore, the Court is not
2 authorized to consider the instant petition. Accordingly, the instant petition is DISMISSED in its
3 entirety.

4 **CONCLUSION**

5 For the forgoing reasons, the instant petition for a writ of habeas corpus is DISMISSED as
6 a second and successive petition. The Clerk of the Court shall close the file, terminate any
7 pending motions as moot, and enter judgment in this matter.

8 **IT IS SO ORDERED.**

9 Dated: November 12, 2014



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11 DONNA M. RYU
United States Magistrate Judge

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